

REMARKS

This amendment is responsive to the Office Action of May 31, 2006. Reconsideration and allowance of claims 1-18 and 31-39 are requested.

Claims 1, 6, and 39 have been amended.

Claims 19-30 were previously cancelled.

The Office Action

Claims 1-2, 4-7, 10-13, 15, and 37-39 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,071,437 to Ryan, Jr., et al., in view of DE Publication No. 19537630 A1 to Adamski (Automated translation).

Claim 3 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Ryan, Jr., et al., in view of Adamski, and further in view of U.S. Patent No. 4,241,010 to Baran.

Claims 14 and 16-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ryan, Jr., et al., in view of Adamski, and further in view of U.S. Patent No. 4,317,521 to Clark.

Claims 8 and 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ryan, Jr., et al., in view of Adamski, and further in view of U.S. Patent No. 4,111,753 to Folsom, et al.

Claims 31 and 32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ryan, Jr., et al., in view of U.S. Patent No. 5,792,435 to Mueller, et al., and further in view of Folsom, et al.

Claims 33 and 34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ryan, Jr., et al., in view of Mueller, et al., and Folsom, et al., and further in view of Adamski.

Claims 35 and 36 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ryan, Jr., et al., in view of Mueller, et al., Folsom, et al., and Adamski, and further in view of Baran.

The Claims Distinguish Patentably Over The References of Record

Claim 1 calls for a method for handling items that includes three steps:

1. Sorting potentially contaminated items in an enclosure to separate items which are unsuited to treatment with a first decontaminant from remaining items,

2. Treating at least a portion of the sorted items with a first decontaminant capable of destroying the pathogenic agent, and

3. Treating the enclosure with a second decontaminant.

Support for the amendments to claim 1 are to be found in the specification at pages 9, line 34 to page 10, line 19, where it is described that sorting involves separating suspect mail from the remaining mail.

The references of record do not disclose or suggest a method as claimed. Ryan, Jr., et al. discloses a system for detecting harmful materials in a mail stream. A sorting apparatus 8 includes a feeder 10, a singulator 12, an OCR scanner 14, a transporter 16, and a bin module 20. The singulator separates all the mail so that each item can be processed singly in a sanitization area 44 (FIG. 5c) in sanitizer 13. The singulator of Ryan thus does not perform a sorting function as presently claimed. As shown in FIGURE 5a, the mail is not sorted until after it has passed through the sanitizer. Thus, all mail (unsorted mail) is treated by the sanitizer, whether or not it contains harmful materials or is amenable to processing. Thus, Ryan does not disclose treating sorted items with a first decontaminant and treating an enclosure where the mail is sorted with a second decontaminant.

Adamski does not supply the deficiencies of Ryan. Adamski (as best understood from the machine translation) discloses feeding what appears to be garbage via a conveyor belt 1 through a sanitization area 11. An exhaust fan 13 removes residual sanitizer before the garbage is passed to a downstream sorting area. Thus, both Ryan and Adamski sanitize all items prior to coming into a sorting area. Neither provides any suggestion of decontaminating the enclosure where items are sorted nor provide any motivation to do so since the entering items to be sorted are already decontaminated. Nor do the references teach using two decontaminants.

The presently claimed method allows presorting of mail in an enclosure such that only the potentially contaminated mail items which can be treated with the first decontaminant effectively are subjected to decontamination. This also significantly reduces the amount of first decontaminant used in the process.

The secondary references cited against the dependent claims do not supply the deficiencies of Ryan and Adamski. In particular, Baran cited against claim 3, Clark cited against claims 14 and 16-18, and Folsom cited against claims 8 and 9, disclose no sorting step nor treatment of an enclosure in which sorting takes place, as presently claimed. Further, the references do not suggest treating with one

decontaminant in an enclosure and treating with a second decontaminant in a chamber.

Accordingly, it is submitted that claim 1, and claims 2-5, 8-18, and 37-38 dependent therefrom, distinguish patentably and unobviously over the references of record.

Claim 6 recites a method for handling items potentially contaminated with a pathogenic agent which includes sorting the potentially contaminated items in an enclosure, and thereafter treating at least a portion of the sorted items with a first decontaminant capable of destroying the pathogenic agent in a chamber which is selectively connected with the enclosure and is isolatable from the enclosure and treating the enclosure in which the items are sorted with a second decontaminant.

The combination of Adamski with Ryan does not disclose a method in which potentially contaminated items are first sorted in an enclosure and then a portion of these items treated in an isolatable chamber. Rather, both these references teach sanitizing all items prior to sorting. The Examiner argues that the singulator of Ryan sorts the items. However, the singulator merely separates the items, one from another, for processing. Nor do the references suggest treating an enclosure in which items are sorted with a second decontaminant.

Accordingly, it is submitted that claims 6, 7, and 39 distinguish over the references of record.

Claim 31 recites a method for handling items potentially contaminated with a pathogenic agent. Items are transported in a sealed container which is connected to an isolated enclosure in an airtight manner. The items are sorted within the isolated enclosure. A portion of the sorted items is moved into a sealable decontamination chamber where the items are treated with a first decontaminant. While this takes place, additional items are received and sorted in the isolated enclosure.

Claim 31 was rejected over Ryan, Mueller, and Folsom. Ryan does not suggest moving sorted items into a sealable decontamination chamber for treatment. Rather, items are treated in a conveyor system prior to sorting. Mueller discloses a flow through vapor phase decontamination apparatus which receives a load of medical instruments, containers or the like. There is no sorting of these items nor any motivation suggested for doing so. Folsom discloses a controlled atmosphere apparatus in which anaerobes can be grown and manipulated. There is no suggestion of using the system for sorting items nor any suggestion for doing so.

Accordingly, it is submitted that claims 31-36 distinguish over the references of record.

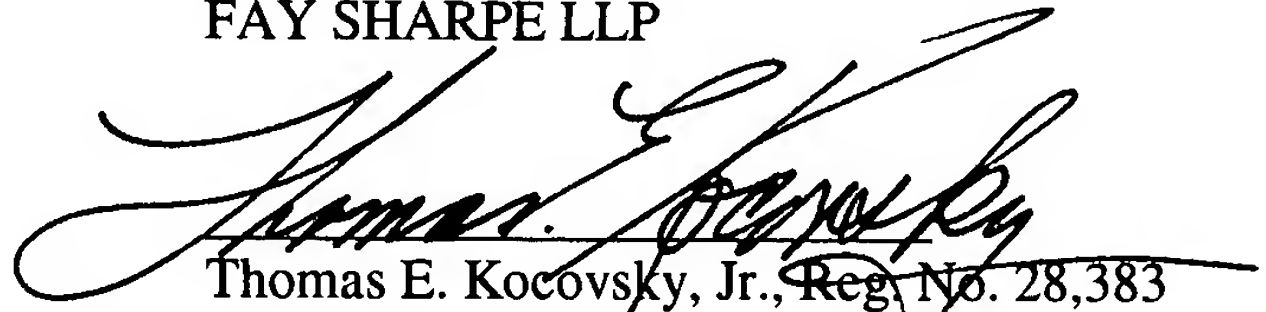
CONCLUSION

For the reasons set forth above, it is submitted that claims 1-18 and 31-39 distinguish patentably and unobviously over the references of record and are now in condition for allowance. An early allowance of all claims is requested.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he is requested to telephone Thomas Kocovsky at (216) 861-5582.

Respectfully submitted,

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